

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,  
v.

Criminal Action No. 12-20153  
HONORABLE DENISE PAGE HOOD

MICHAEL DEMETRUS GRUNDY (D1),

Defendant.

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**FOURTH ORDER REGARDING REQUEST FOR  
PERMISSION TO APPEAL IN FORMA PAUPERIS**

This matter is before the Court on Defendant Michael Grundy's Affidavit Accompanying Motion for Permission to Appeal In Forma Pauperis stamped filed by the Clerk on March 30, 2015, but dated by Grundy on November 1, 2014. (Doc. No. 104) No motion for permission to appeal in forma pauperis was filed with the current affidavit, even though the title of the affidavit indicates such a motion. It is noted that this same Affidavit dated November 1, 2014 was filed by Grundy on November 5, 2014, which the Court previously considered. (Doc. No. 96) Because the Court has denied Grundy's motion in three previous orders, the Court considers this Affidavit as a request to reconsider the Court's latest order filed January 28, 2015– Order Denying Motion for Reconsideration. (Doc. No. 103)

The Local Rules of the Eastern District of Michigan provide that any motion for reconsideration must be filed within 14 days after entry of the judgment or order. E.D. Mich. LR 7.1(h)(1). No response to the motion and no oral argument thereon shall be allowed unless the Court orders otherwise. E.D. Mich. LR 7.1(h)(2). Plaintiffs' motion is timely filed. The Local Rule further states:

(3) **Grounds.** Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

E.D. Mich. LR 7.1(h)(3). A motion for reconsideration is not a vehicle to re-hash old arguments, or to proffer new arguments or evidence that the movant could have brought up earlier. *Sault Ste. Marie Tribe v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998)(motions under Fed.R.Civ.P. 59(e) "are aimed at *re* consideration, not initial consideration")(citing *FDIC v. World Universal Inc.*, 978 F.2d 10, 16 (1st Cir.1992)).

Grundy's Affidavit, considered by the Court as a Motion for Reconsideration, is untimely since it was filed more than the 14 days required to file such motion under Local Rule 7.1. In addition, the Affidavit raises the same issue of filing in forma pauperis on appeal which the Court has denied in three previous orders. (Doc. Nos.

95, 100, 103) As the Court previously noted, Grundy may file such a request before the Sixth Circuit Court of Appeals.

Accordingly,

IT IS ORDERED that Defendant Michael Demetrus Grundy's Affidavit, considered by the Court as a Motion for Reconsideration (**Doc. No. 104**) is DENIED.

S/Denise Page Hood

Denise Page Hood

United States District Judge

Dated: April 20, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 20, 2015, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager